

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

GRACE ELIZABETH PENNINGTON,

Plaintiff,

Case No. 23-cv-1736-pp

v.

KOHL'S CORPORATION,

Defendant.

**ORDER ADDRESSING PLAINTIFF'S REQUEST FOR FED. R. CIV. P. 37
DISCOVERY CONFERENCE (DKT. NO. 36)**

The plaintiff has filed a letter asking the court to hold a Fed. R. Civ. P. 37 “Discovery Conference,” explaining that the court’s scheduled deadline for completing discovery is June 24, 2025 but that the defendant’s counsel allegedly has “refused to produce any responsive documents to Plaintiff’s discovery requests; notwithstanding them having been served over a year ago.” Dkt. No. 36 (emphasis in original). The plaintiff asserts that she has noticed the defendant’s deposition for June 24, 2025 and says that she “requires the responsive documentation to be produced at least a few days in advance of the deposition.” Id.

Rule 37(a)(3)(B) says that if a party may “move for an order compelling an answer, designation, production, or inspection.” It says nothing about a “discovery conference.” Rule 37(a)(1) states that any motion to compel disclosure or discovery “must include a certification that the movant has in


good faith conferred or attempted to confer with the party failing to make disclosure or discovery in an effort to obtain it without court action.” This court’s Civil Local Rule 37 says the same:

All motions to compel disclosure or discovery pursuant to Fed. R. Civ. P. 26 through 37 must be accompanied by a written certification by the movant that, after the movant in good faith has conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action, the parties are unable to reach an accord. The statement must recite the date and time of the conference or conferences and the names of all parties participating in the conference or conferences.

The plaintiff’s June 9, 2025 letter does not constitute a motion to compel. It does not comply with the requirements of Fed. R. Civ. P. 37 or this court’s Civil L.R. 37. The court will not take any action on the plaintiff’s letter request for a discovery conference. The plaintiff is free to file a motion to compel discovery that complies with the federal and local rules.

Dated in Milwaukee, Wisconsin this 12th day of June, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge